

Grant County Planning Commission

November 24th, 2003

The November 24 2003 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Bill Marksberry, Nancy Duley, William Covington, Kevin Hudson, Stephen Fritz, Engineer: Ray Erpenbeck, Attorney: Tom Neinaber, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

ITEM 1. OCTOBER MINUTES

Vernon Webster made a motion to approve the meeting minutes for October, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2. OCTOBER FINANCIAL REPORT

William Covington made a motion to approve the October financial report, Kevin Hudson seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3. ADMINISTRATORS REPORT

Jonathan stated that there would be continuing education on December 9th in the courtroom from 7:00 pm to 9:00 pm.

Jonathan also stated that the Commission needed to decide if there was going to be a December meeting. Jonathan said that there were no applications turned in at this time.

Vernon Webster made a motion to not have a December meeting, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 4: ZONE CHANGE - MCGEE

APPLICANT: Cliff McGee Estate

GENERAL LOCATION: on the north side of Warsaw Avenue in the City of Dry Ridge

REQUEST: Agricultural - One (A-1) to Neighborhood - Commercial (NC)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Craig Moore stated that new road had split the property into 3 tracts and the new zoning would make the non-conforming lots conforming. He said that the applicant does not have any idea of what they are going to do with the property.

John Lawrence read a letter from Bobby Robbins with the City of Dry Ridge stating that they were waiving the detailed engineering study.

John Lawrence asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan stated that he had not had sufficient time to review the application to make a recommendation and it was difficult to make a recommendation without a development plan. But if the Commission chose to approve the request it is appropriate to say that the current zoning is inappropriate and the proposed zoning is appropriate.

Vernon Webster asked what could be built on the property.

Jonathan stated that anything that is listed as a use in the NC zone.

Craig Moore said that the size of the lots would limit what type of business could be put on the lots.

Nancy Duley made a motion to approve the request because a waiver had been received from the City of Dry Ridge Administrator and that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 5: ZONE CHANGE - EADS/BLAZOVIC

APPLICANT: Harvey Eads & Virginia Blazovic

GENERAL LOCATION: on the south side of Violet Road, 1.5 miles west of I75

REQUEST: Agricultural - One (A-1) to Residential - Two (R-2)

John Lawrence stated that this request was tabled from last month and declared the public hearing re open.

Steve Howe, representing the applicant, said that the reason the request was tabled last month was that there were some questions on the deed restrictions that were going to be placed on the property and what was going to be done with the remaining acreage that was not shown developed on the development plan. He said that they had prepared the deed restrictions and had shown on the plat how the 55 acres of undeveloped land would be handled. Mr. Howe said that the subdivision lots would be 100 ft. wide with restrictions on the size of the homes and then presented to the Commission pictures of 100 ft. lots with the types of homes meeting the square foot requirements that they had placed in the deed restrictions. He said that the types of homes would be similar to those in Lexington Trails Subdivision and in Pinhook Subdivision. He said that he would enter the pictures into the official record. Mr. Howe said that the number of lots and the width of the lots had not changed from their original development plan but that the area of some of the lots had increased because they have extended the lot lines. He said that the subdivision would be developed in phases and that the recreation areas would be dedicated to the City. Mr. Howe said that Mike Melton had a contract to purchase the land and had agreed to put in turn lanes in front of the development at his own cost. He said there would be 30 to 40 lots developed in the first phase. He said that they reason the request was tabled was the deed restrictions and what was going to happen to the 52 acres and he felt that they had addressed those issues adequately. He said that part of the site is shown in the Comprehensive Plan to be developed at low density residential.

John Lawrence asked if anyone wished to speak for or against the request.

Kristi Steinau asked to see the development plan, the pictures and the deed restrictions.

Foster Darrell asked how the 52 acres of undeveloped land would be zoned.

John Lawrence said that it would also be zoned residential two if the zone change was approved.

Mr. Darrell asked how long it would be until the turn lane was installed.

Logan Murphy said that the turn lane would be installed at the center entrance which will have the most traffic and that will be in phase two.

Jonathan asked how many lots were going to be in phase 1.

Mr. Murphy said that there would be 25 lots.

Jonathan asked if they would agree to construct the turn lane when the 21st lot was built on.

Mr. Murphy said that he felt there was no need to construct the turn land until the entrance was built.

Mr. Howe stated that the 2nd entrance would not be constructed until all the lots in the 1st phase were sold.

Jonathan asked who would be in charge of keeping up with the dollar amount spent on landscaping which was a deed restriction.

Mr. Howe said that the developer would be responsible for making sure that requirement was met.

Jonathan said that in the deed restrictions is says that the Zoning Administrator can enforce the restrictions.

Mr. Howe said that statement could be taken out.

Jonathan suggested that it be taken out of the deed restriction if the Commission decided to approve the request.

Kristi Steinau said that there was still no green space between where her house is and the new houses and that the you can see through the tree line in the fall and they will be looking and the backs of house along 491. She also said that the requirement of spending \$300 on landscaping was ok for now but what would \$300 buy in 5 years. She said that the pictures of the homes were not like what was already built in the area. She said that the roads aren't ready for the increased traffic and the roads should be built before this is approved.

Mr. Howe said that the area behind the houses was extended to adjoin the existing property owners in order to reduce the undeveloped land and that the plan had not changed along the roadway. He said that the developer is going to keep the existing tree line that is there.

Mr. Melton said that he plans to put more trees along the Roadway and the subdivision is developed.

Sharon Darrel said that the deed restrictions say that the boats are to be parked behind the homes but there is nothing saying that they have to be on concrete slabs. She said that she is concerned with what it will look like since the rear of the homes will be along 491. She also said that one of the deed restrictions stated that there can be household pets as long as they aren't a nuisance. She asked who determines what a nuisance is; she said that there should be a requirement stating that pets are to be fenced in or on leashes.

Foster Darrel asked if there was a deed restriction stating that the homes must be at least 50% brick.

Mr. Howe said that was included in the restrictions. He also said that Grant County has a leash law which requires pets to be on a leash.

Mr. Howe read the deed restrictions into the record.

Jonathan asked if they would agree to add "manufactured home" as not being permitted.

Mr. Howe stated that they would agree to add that into the restrictions.

Jonathan asked if they would also add that any spotlights not shine onto the roadway.

Mr. Howe said that they would.

Darrin Hensley said that he did not see much green space and there was no park. He said that the green space was in the valleys and he would like to see a park for the kids.

Jonathan asked Logan Murphy if this was the same plat that he brought to the office.

Mr. Murphy said that it was the same, he said that a conservation easement was shown before but had been taken out and that 10 acres would be dedicated to the City for recreation.

Jonathan said that he felt that the developer should develop the recreational areas before dedicating them to the City.

Mr. Murphy said that eventually someone would have to take over the areas and that the Commission could require the developer to put in walking trails or playground equipment before dedicating the property to the City.

Mrs. Darrell stated to the Commission that the deed restrictions are useless unless the property owners hire an attorney and sue their neighbor.

Mr. Neinaber said that if there is a violation of the deed restrictions that the homeowners must prosecute and that the Planning Commission has no authority to regulate the deed restrictions but can enforce what is required by the developer as part of the zone change.

Jonathan stated that he wanted to make it clear that the zone change is granted by the Legislative Body and that the Commission only makes a recommendation to that body.

Mrs. Darrell requested that the zone change be denied because the deed restrictions could not be enforced by the Commission.

Mrs. Steinau said that if the request is approved to please give her the buffer zone she is requesting.

John Lawrence declared the public hearing closed.

Vernon Webster asked why there were not turn lanes at all of the entrances.

Mr. Murphy stated that traffic counts from the state do not require a turn lane but the developer felt that the center entrance would need a turn lane because that entrance would have the bulk of the traffic. He said that the 1st phase of only 25 lots would not justify constructing a turn lane at that entrance.

Stephen Fritz asked Ray Erpenbeck if he agreed with the turn lane being on the center entrance.

Mr. Erpenbeck stated that the center entrance is the logical place for the turn lane.

John Lawrence asked about the buffering along the roadway.

Mr. Murphy said that the developer was going to leave the trees that are there and that the Commission does have the power to require further buffering.

Vernon Webster asked how the owners would be kept from removing trees.

Mr. Murphy said that a conservation easement would not allow them to remove the trees.

Jonathan stated that he did not see the conservation easement on the plan.

Mr. Murphy said that it was located along the perimeter of the property.

William Covington asked when the recreation area would be developed.

Mr. Murphy said that the Eastern most property would be dedicated to the City when Phase 1 is developed.

Mr. Covington asked when the recreation would be developed.

Mr. Murphy said that it would be turned over to the City and if the Commission required improvements by the developer that the improvements would have to be in place before it was given to the City.

Mr. Melton stated that the 10 acres has huge trees and would be ideal for walking trails and a park like setting.

Jonathan asked if he would be opposed to marking off the trails before the property is dedicated to the City.

Mr. Melton said that he would not be opposed to that requirement.

Mr. Covington stated that the kids need more than walking trails.

Mr. Melton stated that they could play in the creek.

Jonathan said that his concern was that the City would get the recreation area undeveloped and they would basically forget that they owned the property.

Mr. Melton said that if the commission wants him to install some playground equipment it would not be a big issue.

Stephen Fritz asked if 491 was developed as residential all the way to Boone County.

Jonathan said that there was a mixture of residential and agricultural but it was predominately agricultural and that the Comprehensive Plan shows most of this area to be agricultural.

Mr. Fritz asked how far this property was from City Sewer.

Mr. Murphy said that it was about 600ft.

Mr. Howe stated to the Commission that the Property was recently annexed by the City of Crittenden.

Mr. Fritz asked if there was residential development beyond this property.

Jonathan said that there was but it was not as intense as this request.

Mr. Howe stated that the Agricultural One zone, in Crittenden, allows for ½ acre lots with mobile homes.

Jonathan said that it was previously stated that the land could not be developed in ½ acre lots.

Jonathan read the staff recommendation, which was denial of the zone change request because the zone change request is not in compliance with the adopted Comprehensive Plan. Findings in support of this recommendation are: 1. the current land use map of the City of Crittenden provides for the general area to be partially low density residential and agricultural/rural residential in nature. With the current conceptual development plan, at 10,000 square feet per lot, this would well exceed the 0-3 housing units per acre on the front portion of the proposed development. 2. the roadway is not sufficient enough to accommodate the amount of traffic that could be generated by the proposed development.

Vernon Webster made a motion to approve the request based of the findings of facts that there are no mobile homes allowed and that the infrastructure is in place, with the following conditions: 1. deed restrictions state that no manufacture houses are permitted, 2. the statement that the Zoning Administrator can enforce the restrictions is taken out of the deed restrictions. 3. a turn lane be constructed at the center entrance 4. the buffer area along Violet Road and the western edge of the property be a minimum of 50 ft. wide. Kevin Hudson seconded the motion, a hand vote was taken: Vernon Webster: yes, Bill Marksberry: yes, Nancy Duley: yes, William Covington: no, Kevin Hudson: yes, Stephen Fritz: yes. Motion passes.

ITEM 6: TEXT AMENDMENT - CITY OF WILLIAMSTOWN - Article XIV, Section 14.06, Section 14.7, Article X, Section 10. (I-1)

Vernon Webster made a motion to table the request because there was no representative of the City present.

ITEM 7: ZONE CHANGE - WARD

APPLICANT: Charles & Brenda Ward

GENERAL LOCATION: on the south side of Kentucky Route #491 (Lebanon Road), approximately 0.78 miles southwest of Alexander Road

REQUEST: One (A-1) to Residential - One (R-1)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Brenda Ward stated that the request was so that they could give approximately 2 acres to their son and his wife so that they could build a home.

Jonathan read the staff recommendation, which was approval of the zone change request because the proposal is in compliance with the adopted Comprehensive Plan, with conditions. Findings in support of this recommendation are as follows: 1. general area is not suitable for agricultural production. 2. the roadway is sufficient enough to handle the additional traffic that would be generated by the proposed development and would not put additional burden on police and fire protection. CONDITIONS 1. that the property in question not be further subdivided due to a lack of appropriate sight visibility along the roadway. This condition is acceptable to the applicant.

John Lawrence asked if anyone wished to speak for or against the request.

Jack Wright said that he did not have a yes or no vote but asked the Commission to not allow any utilities or buildings within 36 feet of the centerline of 491.

Mrs. Ward said again that this request was so that there son could build a home.

Jonathan said that the conveyance plat submitted along with the application has a 30 ft. right-of-way dedicated from the center of the road.

John Lawrence declared the public hearing closed.

Nancy Duley made a motion to approve the request because the request is in compliance with the Comprehensive Plan with the condition that the land not be further subdivided, Vernon Webster seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 8: ZONE CHANGE - KING'S CROSS ESTATE LLC / WALLACE & JEANIE BRASHEAR

APPLICANT: King's Cross Estate LLC / Wallace & Jeanie Brashear

GENERAL LOCATION: on the southwest side of Cynthiana Road, approximately 0.56 miles southeast of Ky. St. Rt. 22

REQUEST: Agricultural - One (A-1) and Residential - Two (R-2) to Residential - One B (R-1B)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Jack Gatlin, representing the applicant, said that the property is located 0.6 miles down Cynthiana Street and is currently zoned Agricultural One. He said that the developers want to keep all of the forest areas intact and the street will be constructed so that can happen. Mr. Gatlin stated that the plan shows 180 homes and could be the largest development in Williamstown. He said that the development will be on Williamstown sewer, electric, cable and is located within the Williamstown School District. He stated that Mr. Brashear would be the only builder. He showed letters from the City of Williamstown stating that this would not create a water shortage, that they can handle the additional sewage and there would be no problems with the electric service. He said that this subdivision will provide affordable housing to first time buyers with homes ranging from \$120,000 to \$150,000, they will comply with the Comprehensive Plan, they will create something that Williamstown will be proud of and will provide housing to Grant County and the expanding population. Mr. Gatlin said that the subdivision will develop in 3 phases and each will take approximately 1 to 2 years to develop. He said that 43.2 % of the acreage which is 58 acres will be green space and they would like to donate this acreage to the City but if the City chooses not to take the property they would create a Homeowners Association. He said that there are 4 issues that must be addressed concerning the subdivision: 1. Street: He said that Cynthiana Street is one of the widest in Grant County and measures 3 to 6 feet wider on average than Dry Ridge Mt. Zion Road. He added that the subdivision would have a wide entrance and has great visibility. 2. Agricultural issues: Mr. Gatlin said that the subdivision will have walking trails, equestrian trails and a park like feel. He said that forested acreage would remain. 3. School: he stated that the subdivision would have a 5 to 7 year build out and that the schools are expecting growth and this subdivision would provide the housing needed for the growth. 4. landfill: he said that the landfill is located on the other side of the road and in 2000 there were 20 days that calls came into the solid waste office complaining about the odor from the landfill, in 2001 there were 26 days with calls, in 2002 there were 13 days with calls and in 2003 there have been 11 days with calls. He said that this shows that calls coming into the office are decreasing. Mr. Gatlin said that the request is in compliance with the Comprehensive Plan, will revitalize the downtown area of Williamstown, will make affordable housing available and recreation acres will be donated to the City or a Homeowners Association. He showed the Commission slides of plans for houses that would be built in the subdivisions and said that the homes would be 1300 to 1600 square feet and the homes would be very unique. He

said that he has no problem with making it a requirement that the developer only build from the presented plans or slight variations of those plans.

John Lawrence asked if anyone wished to speak for or against the request.

Jack Eckler said that he lives 0.9 miles past this property and that the water ends at his home and he doesn't think that the water would be adequate with the addition of 100 more homes. He asked if they would upgrade the water line. He said that there could be a sight distance problem with the entrance and he lives adjacent to the landfill and he could wear out the phone complaining about the smell. He also asked if there were plans for a sidewalk to the development.

Troy Gutman said that Dry Ridge Mt. Zion was much wider than Cynthiana Street and he was worried about the traffic problems and the City needs to do something about the width of the roadway.

Mr. Gatlin said that they measured 17 points on the first 0.6 miles of Dry Ridge Mt. Zion Road and Cynthiana Street averaged 22.3 feet wide and Dry Ridge Mt. Zion averaged 18.79 feet wide.

Jonathan asked if a hard copy of the slide presentation would be presented as part of the record.

Mr. Gatlin stated that it would.

Amy Gutman asked if there would be parking on the streets since the house plans that were shown did not have garages. She said that she wished the subdivision would have larger lots with larger homes and she was also concerned with the increase in traffic.

Wade Gutman said that the homes that were just recently built on Cynthiana Street were listed at 920 square feet in the newspaper and Mr. Gatlin stated that the homes would be 1300 to 1600 square feet.

Mr. Gatlin said that 920 square feet did not include the finished basement which all homes would have.

Troy Gutman asked if there were any plans for buffering because the development was going to be on top of the ridge and the existing buffer area is down in the valley.

Mr. Gatlin said that he isn't sure that the site would allow for landscaping but that the existing tree line would remain.

Troy Gutman asked if additional trees would be added.

Mr. Gatlin said that there were no plans for adding any trees.

John Lawrence stated that his wife was on the 109 board and it was hard to believe that there were only 20 calls a year made complaining about the landfill odor.

Mr. Gatlin said that the numbers were the number of days that complaints were made and not the number of actual phone calls.

John Lawrence asked who was going to maintain the recreational areas.

Mr. Gatlin said that there would be a Homeowners Association formed and that the developer would maintain the areas until the Homeowners Association was formed.

William Covington asked if there would be any other recreation beside the walking trails.

Mr. Gatlin said that the developers would assist in making the walking trails adjoin Webb Park which has various other types of recreation.

John Lawrence asked if they were going to tear down the Brashear House.

Mr. Gatlin said that the plan shows the home being torn down and lots in that area but that they had decided to keep the existing home and possible turn it over to the Homeowners Association for a club house or meeting house.

Nancy Duley said that the plat shows 71 to 75 feet wide lots and asked what the minimum lot width was.

Jonathan said that they were narrow lots but their plans were to build taller narrower homes on the lots which would increase the space between the homes.

Mrs. Duley asked where the parking would be since there were not going to be any garages.

Jonathan said that they must provide 2 parking spaces per lot and if they had on street parking the street would have to be widened.

Craig Moore said that the minimum lot width is 75 feet but the lots in the cul-de-sac are narrower at the street and then expand to 75 feet at the building setback line.

Mrs. Duley asked what progress the landfill was making on the odor problem.

Mr. Gatlin said that in 3 years the number of days of complaints had gone from 35 to 11 and that the homeowners would be aware of the existing landfill.

William Covington asked what recreation would be provided for the kids. He said that the kids would not likely use the walking trails.

Mr. Gatlin said that the trails would link to Webb Park and that the development is not practical for a playground setting.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was approval of the zone change request from A-1 to R-1B because the requested zone change is in agreement with the adopted Comprehensive Plan, with several conditions. Findings in support of this recommendation are: 1. application does provide for the public sanitary sewer supplied by the City of Williamstown 2. Roadway should be sufficient enough to accommodate the addition traffic generated with conditions 3. does provide for a variety of housing choices within the community. CONDITIONS: 1. Turn lanes should be installed off of Cynthiana Street to alleviate traffic congestion. 2. Cynthiana street should be widened, with curb and guttering the entire length of the road frontage of the property 3. the concept development plan should "detail" the area for public use, such as walking trails and other green space. 4. Green Space should be useable and not located in areas that would not serve the development or the entire community (i.e. possible connectivity with other developments, not located in unusable valleys or hollows.) and should be a minimum of 15% of the total area of development.

Vernon Webster asked how the Homeowners Association would get the existing home.

Mr. Gatlin said that the property would be deeded to them and there would be a monthly fee for the Association.

William Covington asked what would happen if the house was given to the City.

Mr. Gatlin said that if the City takes the house that there may still be a need for a Homeowners Association. He also said that they would agree to a condition stating that they could not sell lots 176, 175, 174, or 173 and that the house must not be disturbed.

John Lawrence asked if the applicant had a problem with the 1st or 2nd condition in the administrators report.

Mr. Gatlin said that no other developer has been required to widen a City Road or put in turn lanes.

Allison Ramsey stated that the entrance would be 110 feet wide which would allow an area for the traffic to slow down before entering the subdivision.

Ray Erpenbeck said that a turn lane is a storage area for traffic and that a deceleration lane is an area for traffic to slow down before entering.

Mrs. Ramsey said that the 110 foot entrance would allow for a deceleration area and they would be willing to make a deceleration lane in the 110 foot entrance.

Mr. Erpenbeck said that normally deceleration lane is a minimum of 50 to 75 feet long.

Vernon Webster asked if anyone from the City was present to address the water issue.

Mr. Gatlin said that they did have the letter and they would agree to a condition that they address the water issue.

Mr. Erpenbeck said that the State has pressure requirements and the City of Williamstown will have to certify that they can provide the required water pressure for any line extensions.

Bill Marksberry said that there was an existing 8 inch water line adjacent to the property that they should tie into.

Mr. Gatlin said that that could be a possibility.

Vernon Webster asked if they would agree to put in sidewalks along lots 176, 177 and 178.

Mr. Erpenbeck said that sidewalks will be required on all the lots unless it is waived by the Commission.

Vernon Webster made a motion to approved the request based on the finding of facts that application does provide for sanitary sewer, the roadway is sufficient enough to accommodate the additional traffic and provide for a variety of housing choices within the community with following conditions: deceleration lane be installed off of Cynthiana Street, the recreation areas be donated to the City or a Homeowners Association and that there must be adequate water pressure to this development and no decrease in the pressure to existing property owners. Kevin Hudson seconded the motion. A hand vote was taken: Vernon Webster: yes, Bill Marksberry: yes, Nancy Duley: no, William Covington: no, Kevin Hudson: yes, Stephen Fritz: yes.

ITEM 9. ELLEN KAY ESTATES - IMPROVEMENT PLAT

November 24th, 2003

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Kathryn Osborne said that she had been working with the city and that the state had approved the plan for the lift station. She also said that her intentions in the development were to construct single family homes and duplexes.

Vernon Webster asked what the elevation of the street was.

Ray Erpenbeck stated that the grade was 12% which meets the requirements of the subdivision regulations.

Dawn Little said that she owns the last house on Ellen Kay before this development would start and her concerns were with cars getting up the hill when there is ice and snow she also stated that currently cars speed on that road.

Jonathan said that those issues were dealt with during the public hearing for the zone change request and that this hearing was to review the improvement plat to make sure it meets the Engineering standards.

Mrs. Little said that she was out of town during the zone change meeting and she just wanted to make her concerns known.

Vernon Webster asked what changed with the road to change grade to make it comply with the regulations.

Ray Erpenbeck said that he was going by what they had submitted to him and in reviewing that information the grade does meet the requirements.

Mrs. Osborne said that the reason the plat was turned down years ago was that the regulations had a maximum grade of 8% and this street was at 12%. She also said that they were moving the cul-de-sac up the hill which also reduced the grade.

Kevin Hudson made a motion to approve the plat, Stephen Fritz seconded the motion. A hand vote was taken: Vernon Webster: no, Bill Marksberry: yes, Nancy Duley: yes, William Covington: yes, Kevin Hudson: yes, Stephen Fritz: yes. Motion passes.

ITEM 10: CONVEYANCE PLATS - OCTOBER

William Covington made a motion to approve the list of conveyances, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 11: EXECUTIVE SESSION

none

ITEM 12: OTHER BUSINESS

Charlie Phillips with the Property Owners League

Jonathan told Mr. Phillips that the Commission by law cannot discuss the text amendment he has given to them. He said that a text amendment can only originate from the legislative body or the Planning Commission.

Tom Neinaber agreed with Jonathan and said that several months ago the Commission acted on the proposed new Zoning Ordinance and had sent the recommendation to the legislative bodies. He said that the Commission has no authority to consider the request and if any of the legislative bodies wants a text amendment then they would have to submit the request to the Commission and the Commission would hold their public hearing.

Mr. Phillips said that this was a request to look at the proposed changes and talk about the future.

John Lawrence said that the request was presented as a re-write of the Zoning Ordinance.

Mr. Phillips said that the League had met individually with the Magistrates and were asking that if the legislative bodies send the Ordinance back to the Commission that the Commission incorporate these changes into the Ordinance.

Jonathan said that it is against the law to talk to the Magistrates individually and that the Commission had held several public hearing to discuss the proposed changes.

Mr. Phillips said that he had been to a meeting where people were trying to get changes made and they were not considered.

Jonathan said that the Commission has done their job and by law if there are any objections they need to be taken to the legislative bodies.

Mr. Phillips said that if the Ordinance comes back to the Commission they will be present to speak.

Item 13. Adjournment

William Covington made a motion to adjourn, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE

November 24th, 2003